

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
May 14, 2002

- STUDY SESSION

Mayor Griffith called the meeting to order at 6:31 p.m.

Council present: Mayor Griffith; Councilors Dirksen, Moore, Patton and Scheckla.

- STUDY SESSION

- Fixed asset policy. Finance Director Prosser advised the revision to the policy is a "housekeeping" matter. This item is on the Consent Agenda for Council consideration.
- Qwest franchise fee payment was received today. Finance Director Prosser advised the amount was smaller than the usual amount received. He referred to the fact that Qwest is one of the organizations that will be scheduled for an audit.
- Finance Director Prosser advised that the Municipal Court received (late this afternoon) the signed order from Washington County authorizing the City of Tigard Municipal Court to take over some juvenile cases. First of these cases will likely be heard in late June.
- City Manager Monahan advised that Randall Funding & Development has agreed to continue to provide grant research and writing services at no cost to the City for Fiscal Year 2002-03.
- City Manager Monahan referred to the letters and emails received regarding concerns about the proposed Wall Street Local Improvement District (related to the proposed new library). After brief discussion Council members agreed that notices be sent to those who have contacted the City acknowledging receipt of their correspondence.
- Dedication of the Tupling Butterfly Garden will be on Sunday, June 16, at Cook Park. Mayor Griffith plans to attend. Councilors Dirksen and Moore indicated they also would try to attend.

- **EXECUTIVE SESSION:** The Tigard City Council went into Executive Session at 6:39 p.m. to discuss Labor Negotiations, Real Property Transactions, and Current and Pending Litigation under ORS 192.660(1) (d) (e) and (h).

Executive Session Concluded at 7:10 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board Meeting to order at 7:32 p.m.
- 1.2 Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items

City Manager Monahan noted that the following item would be added to Item No. 10, Non-Agenda: Item 10.1 – Consider Request from Tigard Recreation Association

2. VISITOR'S AGENDA

Tigard High School Student Envoy Nathan Leamy distributed a written report of recent and upcoming events at Tigard High School. A copy of this report is on file in the City Recorder's office. Mr. Leamy introduced Paul Brems who will serve as Tigard High School Student Envoy to the City Council next school year.

Motion by Councilor Scheckla, seconded by Councilor Dirksen, to adopt Resolution No. 02-30.

RESOLUTION NO. 02-30 - A RESOLUTION ACKNOWLEDGING AND COMMENDING NATHAN LEAMY FOR HIS EFFORTS AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

The resolution was adopted by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

> Mayor Griffith urged people to vote. Ballots are due May 21, 2002.

3. PROCLAMATIONS – Mayor Griffith proclaimed the following:

3.1 WEEK OF MAY 19-25, 2002, EMERGENCY MEDICAL SERVICES WEEK A representative from Metro West Ambulance presented a plaque to the City of Tigard Council recognizing the Council for its support of emergency medical services personnel in the City of Tigard. Council also received an invitation to the EMS Week Barbecue on Wednesday, May 22, 2002, in Hillsboro, Oregon.

3.2 PROCLAIM WEEK OF MAY 19-25, 2002, AS SAVE A LIFE WEEK

4. CONSENT AGENDA: Motion by Councilor Patton, seconded by Councilor Dirksen, to adopt the Consent Agenda as follows:

4.1 Approve Council Minutes for March 19, 26, April 9, 16 and 23, 2002

4.2 Receive and File:

a. Council Calendar

b. Tentative Agenda

4.3 Adopt a Revised Fixed Asset Policy – Resolution No. 02-31

4.4 Approve City Manager's Contract

4.5 Authorize the Mayor to Sign an Agreement Accepting \$140,400 in Community Development Block Grant Funds to Develop a New Neighborhood Park on City Property Along Bonita Road

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. PUBLIC HEARING (QUASI-JUDICIAL) - ZONE CHANGE ANNEXATION (ZCA) 2002-00001 FERN STREET ANNEXATION

The applicant is requesting to annex two (2) parcels into the City of Tigard. However, the City of Tigard finds it appropriate to consider annexing three (3) additional parcels for a total of five (5) parcels consisting of 9.68 acres.

LOCATION: 13998, 14040, 14050, 14125 and 14445 SW Fern Street; WCTM 2S104BC, Tax Lots 2400, 2200, 2100, 700 and 1000. **ZONE:** R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** The approval standards for annexations are set out in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Policies 2 and 10; ORS Chapter 222; and Metro Code Chapter 3.09.

- a. Mayor Griffith opened the public hearing.
- b. Declarations or Challenges – Mayor Griffith asked the following questions:
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? None reported.
 - Have all members familiarized themselves with the application? All Council members indicated they were familiar with the applications.
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.
- c. Staff Report: Community Development Director Hendryx introduced this agenda item and Assistant Planner Matt Scheidegger presented the staff report. A copy of the staff report is on file in the City Recorder's office.
- d. Public Testimony:

Mayor Griffith read the following statement:

- For all those wishing to testify, please be aware that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and parties an opportunity to respond to the issue will preclude an appeal to the Land Use Board of Appeals on this issue. Testimony and evidence must be directed toward the criteria described by staff or other criteria in the plan or land use regulation which you believe apply to the decision.
- Gretchen Buehner, 13249 SW 136th Place, Tigard, Oregon urged Council to annex the entire area and avoid creating islands.

- Paul Hoffman, 13985 SW Fern Street, Tigard, Oregon requested clarification on how an island is created and how notification is sent to nearby property owners. Mr. Scheidegger advised that property owners within 500 feet of the proposed area are notified; notification requirements were met. Mr. Hendryx confirmed that an island was created at the time the Pacific Crest area was annexed to the City. Mr. Hoffman said he'd prefer to stay in the County because the County was more flexible in regulations for development (i.e., citing Tigard's ordinances regulating trees).
 - John Lewis, 13990 SW Fern Street, Tigard, Oregon also questioned notification process and said he'd prefer to stay in the County as well. Mr. Lewis questioned whether a property owner (Mr. Noland) cited in the proposed Option 2 had been notified of the hearing. Mr. Noland's .46-acre parcel of property was identified as an island among the five other parcels being considered for annexation. Staff confirmed that notification requirements, including mailings and posting of the property had been done. Mr. Lewis advised he didn't think a mailing was adequate notice and said he had not seen the posted notices on the property.
 - Mr. Rich Degroot, 13058 SW Oxalis, Tigard, Oregon advised he saw the a notice posted on the property, but that he thought it was only there for about a day.
- e. Staff recommended annexation (option 2) of six parcels, approximately 12.32 acres, through means of a double majority. (This includes the .46 acre parcel.)
 - f. Councilor Patton said that the notices on properties advising of hearings should be checked periodically. Mr. Scheidegger confirmed that more than one notification to property owners occurs. Councilor Patton commented that except for one property, the parcels under consideration for annexation were not initiated by the City, but were being considered for annexation at the property owners' request. The property owner that did not request annexation was notified more than once about this hearing. Other comments from Council members were in agreement with Councilor Patton.
 - g. Mayor Griffith closed the public hearing.

- h. Motion by Councilor Moore, seconded by Councilor Patton, to adopt Ordinance No. 02-17.

ORDINANCE NO. 02-17 - AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2002-00001/FERN STREET ANNEXATION AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. CONSIDER AWARDED ARCHITECTURAL CONCEPTUAL DESIGN SERVICES FOR A SKATEBOARD PARK FACILITY TO PURKISS ROSE, RSI AND AUTHORIZE EXPENDITURES FOR INITIAL COSTS OF THE SKATEBOARD PARK TASK FORCE

Public Works Director Wegner introduced this agenda item and Parks Manager Dan Plaza presented the staff report, which is on file in the City Recorder's office. Mr. Plaza reported on the numerous subcommittee meetings that have occurred. He recounted that Task Force representatives met with the Council on January 15, 2002, during a workshop meeting. At this workshop meeting, the Council indicated it would support up to \$20,000 in seed money for architectural design services and to cover some of the initial costs of the Task Force. Mr. Plaza advised that Requests for Proposals (RFPs) were issued and five responses were received. Staff recommended that the conceptual design services contract be awarded to Purkiss Rose, RSI. There was discussion on the review of potential sites including a utility site, a school site, and a park site. Mr. Plaza thanked the Council for its support of the Task Force.

Motion by Councilor Moore, seconded by Councilor Dirksen, to award the contract to Purkiss Rose, RSI, and to authorize the City Manager to sign the contract.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. UPDATE ON LIBRARY'S ANNUAL SUMMER READING PROGRAM

Library Director Margaret Barnes presented the staff report, which is on file in the City Recorder's office. The goal of the Summer Reading program is to have families use the library and to encourage children to read for recreation during the summer. The theme this year is "Don't Bug Me I'm Reading." The children's and teen programs will begin on June 17 and continue to August 3.

8. FINANCE DEPARTMENT OVERVIEW

Finance Director presented a PowerPoint presentation to the Council, which is on file in the City Recorder's office. Finance operations include: Administration, Financial Operations, Utility Billing, Accounting & Financial Reporting, Administrative Services, and Municipal Court.

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS

10.1 Consider Request from Tigard Recreation Association

City Manager Monahan reviewed the staff report outlining the request of the Tigard Recreation Association for waiver of a park fee for a children's concert on August 20.

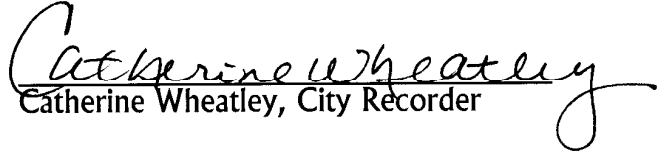
Motion by Council Moore, seconded by Councilor Patton to waive the \$43 park fee as requested.

The motion was approved by a unanimous vote of Council present:

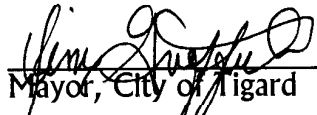
Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 8:50 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard
Date: May 28, 2002

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